REMARKS/ARGUMENTS

I. STATUS OF THE PENDING CLAIMS

Claims 10-29 are pending in the application, all rejected. Claims 10-16, 19, 21, 22 and 25-29 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,805,699 to Akiyama et al. ("Akiyama"). Claims 17, 18, 20, 23 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Akiyama in view of U.S. Patent Application No. 2002/0129265 to Watanabe ("Watanabe").

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 10-16, 19, 21-22 and 25-29 stand rejected, in whole or in part, under 35 U.S.C. § 102(b) as allegedly anticipated by Akiyama.

A rejection of the claims under 35 U.S.C. § 102(b) requires a showing that each and every claim limitation be identically disclosed in a single prior art reference, either expressly or under the principles of inherency. See Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772 (Fed. Cir. 1983), cert. denied, 465 U.S. 1026 (1984). If even one claim limitation is not described in the reference, the claim is patentable over the reference.

The office action cites Akiyama as allegedly disclosing all of the limitations in claim 10 including the following limitations:

> A method for controlling authorization to use a software component of a computer system, the method comprising the steps of: accessing a unique hardware identification code from a computer readable data medium associated with the computer system, the code accessed from a portion of the data medium that is readable but not writeable; accessing license information for the software component and generating an identification number from the hardware identification code and the license information by means of an encoding algorithm.

Akiyama does not disclose a method for controlling authorization to use a software component of a computer system. Instead, Akiyama allegedly describes a system to enable the legitimate copying of a software program from a master storage medium to a target storage medium. Moreover, Akiyama does not disclose generating an identification number from the hardware identification code and the license information by means of an encoding algorithm. The portion of Akiyama to which the office action refers does not disclose generating such an identification number. Instead, Akiyama allegedly describes the creation of a certificate code that is created in the following manner:

> Upon [a] request [for copying a specific software program], [a] manager application program reads out the corresponding software identifier from the CD-ROM as well as extracting the storage medium identifier from the [magneto-optical] MO disc. Those two identifiers are then sent to the software license center along with a request message containing information necessary for a software license. The central site receives the above-described request from the user and saves the contents of the request in a user profile database. The received software identifier and storage medium identifier are supplied to a signature processor, where the [two] identifiers are compressed into a certificate code. (Akiyama, at col. 5, line 59 to col. 6, line 4 (emphasis added).)

As is clear from the above language in Akiyama, the two components of the "identification number" purportedly generated in Akiyama are not the "hardware identification code" and the "license information" but rather a "software identifier" and a "storage medium identifier." Neither "identifier" described in Akiyama can teach or suggest the "license information" as claimed in the present application because the two identifiers in Akiyama are sent to a software license center with a request message that contains information necessary for a software license. Therefore, generating an identification number from the hardware identification code and the license information by means of an encoding algorithm, amongst other limitations, is not disclosed in Akiyama.

Applicants respectfully submit that the rejection of claim 10 be withdrawn as well as the rejection to all claims depending from claim 10, namely claims 11-16, and 21-22. Also, similar limitations, as those stated above with respect to claim 10, are recited in claims 25-29 and

therefore claims 25-29 are respectfully submitted to be patentable over Akiyama, as per the discussion above.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 17-18, 20 and 23-24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Akiyama in view of Watanabe.

Claims 17-18, 20 and 23-24 all depend from claim 10. As discussed above, Akiyama does not disclose all the limitations of claim 10. Because the office action does not cite Watanabe as disclosing, nor does Watanabe disclose, any of the limitations of claim 10, claims 17-18, 20 and 23-24, which depend from claim 10, are not unpatentable over Akiyama in view of Watanabe.

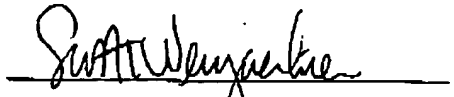
CONCLUSION

Claims 10-29 are pending in the application. Applicants submit that all of the pending claims, for the reasons set forth above, recite patentable subject matter and are in condition for allowance. Reconsideration and allowance are therefore respectfully requested.

The Commissioner is authorized to charge any required fee, to Deposit Account No. 23-1703.

Dated: April 27, 2006

Respectfully submitted,



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